

RESOLUTION NO. 20080131-039

WHEREAS, the City Council of the City of Austin has found that public necessity requires the City of Austin to acquire certain real property interests for public purposes as set out below; and

WHEREAS, the City of Austin has attempted to purchase those needed real property interests but has been unable to agree with the owner on the fair market value thereof; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Attorney, or other authorized designee, is hereby authorized and directed to file, or cause to be filed, a suit in eminent domain on behalf of the City of Austin against the owner now having, or who may acquire, an interest in the real property interests needed by the City, described and located below, for the public purposes set out below, and to take whatever other action may be deemed appropriate to economically effect the needed acquisitions.

The City Attorney, or other authorized designee, shall file eminent domain proceedings for:

Owner: Joseph M. Calderoni

Project: Govalle 1 – South 2nd Street Reroute, Phase I, Wastewater Improvement Project, a portion of the Austin Clean Water Program

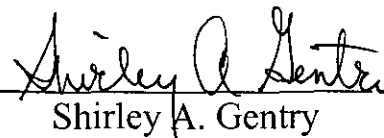
Intended Purpose: the permanent wastewater line easement described in the attached Exhibit "A" is necessary to install, operate, maintain, repair, replace, and upgrade permanent wastewater lines and appurtenances thereto, in order to increase and improve the City's ability to provide sanitary sewer services to the public, to prevent leakage from wastewater lines to protect public health and safety, and to comply with a federal mandate; and

the temporary working space easement described in the attached Exhibit "B" is necessary to install the permanent wastewater lines and appurtenances thereto in the permanent wastewater line easement described in the attached Exhibit "A."

Location: 613 West Gibson Street, Austin, Texas 78704

Property: Described in the attached and incorporated Exhibits A and B.

ADOPTED: January 31, 2008

ATTEST: 
Shirley A. Gentry
City Clerk



MACIAS & ASSOCIATES, L.P.
LAND SURVEYORS

JOSEPH M. CALDERONI
TO
CITY OF AUSTIN
(WASTEWATER EASEMENT)
February 6, 2007

DESCRIPTION FOR PARCEL 5118.56WE

DESCRIPTION OF A 0.054 ACRE (2,337 SQUARE FOOT) TRACT OF LAND OUT OF LOT 8, BLOCK 3, SOUTH HEIGHTS, A SUBDIVISION RECORDED IN VOLUME 1, PAGE 121, PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID LOT 8 BEING DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN EXECUTED APRIL 15, 2005 TO JOSEPH M. CALDERONI, RECORDED IN DOCUMENT NO. 2005066683, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.054 ACRE (2,337 SQUARE FOOT) TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a calculated point having Texas State Plane Coordinate (Central Zone, NAD83 (CORS), U.S. Feet, Combined Scale Factor 1.00010) values of N=10,064,742.18, E=3,110,604.07, on the south right-of-way line of West Gibson Street, a 60-foot wide right-of-way, at the northeast corner of said Lot 8, Block 3 and at the northwest corner of Lot 9, Block 3 of said South Heights, for the northeast corner of this tract, from said point, a 1/2" iron pipe found on the north right-of-way line of West Gibson Street, at a common corner of Lots 13 and 14, Block 2 of said South Heights, bears S 62°20'40" E, 46.76 feet. and N 27°39'20" E. 60.00 feet,

THENCE, S 27°43'15" W, with the east line of said Lot 8 and the west line of said Lot 9, at 0.51 feet, pass a 1/2" iron rod found, and continuing a total distance of 129.70 feet to a 60d nail set on the north line of a 20-foot wide alley, at the southeast corner of said Lot 8 and at the southwest corner of said Lot 9, for the southeast corner of this tract,

THENCE, N 61°56'32" W, with the north line of said 20-foot wide alley and the south line of said Lot 8, a distance of 18.56 feet to a 60d nail set for the southwest corner of this tract;

THENCE, N 28°11'30" E, across said Lot 8, a distance of 129.58 feet to a 60d nail set on the south right-of-way line of West Gibson Street and on the north line of said Lot 8, for the northwest corner of this tract, from said point, a 3/8" iron pipe found on the north right-of-way line of West Gibson Street, at a common corner of Lots 9 and 10, Block 2 of said South Heights, bears N 62°20'40" W, 120.85 feet, and N 27°39'20" E, 60.00 feet;

THENCE, S 62°20'40" E, with the south right-of-way line of West Gibson Street and the north line of said Lot 8, a distance of 17.50 feet to the **POINT OF BEGINNING** and containing 0.054 acre (2,337 square feet) of land

BEARING BASIS NOTE

The bearings described herein are Texas State Plane Grid Bearings, (Central Zone, NAD83 (CORS) Combined Scale Factor 1.00010). Project control points were established from reference station "AUSTIN RRP2" having coordinate values of N=10,086,515.89, E=3,109,682.48 and "H-20-3001" (CB11) having coordinate values of N=10,061,108.04, E=3,109,304.63

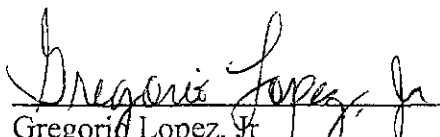
THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

KNOW ALL MEN BY THESE PRESENTS

That I, Gregorio Lopez, Jr., a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this the 6th day of February, 2007, A.D.

Macias & Associates, Inc.
5410 South 1st Street
Austin, Texas 78745
512-442-7875


Gregorio Lopez, Jr.
Registered Professional Land Surveyor
No. 5272 – State of Texas



FIELD NOTES REVIEWED

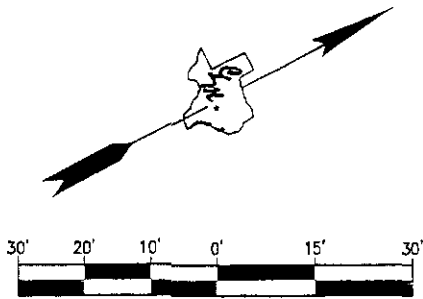
By: P. Sam Date: 2-16-07

Austin Clean Water Program
Survey Coordinator

REFERENCES

MAPSCO 2003 614H
Austin Grid No. MH-21
TCAD PARCEL ID NO. 01-0101-1025
MACIAS & ASSOCIATES, INC., PROJECT NO. 290-13-05

NUMBER	BEARING	DISTANCE
L1	S27°43'15"W	129.70'
L2	N61°56'32"W	18.56'
L3	N28°11'30"E	129.58'
L4	S62°20'40"E	17.50'


$$1'' = 30'$$


PHIC SCALE
1"=30'

CITY OF AUSTIN
10' ENCLOSED STORM SEWER ESMT
VOL 1785, PG 161, DRTC

LOT 8, BLOCK 3
SOUTH HEIGHTS
VOL 1, PG 121, PRTC
JOSEPH M. CALDERONI
DOC NO 2005066683, OPRTC

LOT 9, BLOCK 3
SOUTH HEIGHTS
VOL 1, PG 121, PRTC
ASPHALT PARKING AREA

LOT 10, BLOCK 3
AND A PORTION OF A 20' VACATED ALLEY
SOUTH HEIGHTS
VOL 1, PG 121, PRTC
ANTHONY VILLEGAS AND C J VILLEGAS
VOL 10246, PG 692, RPRTC
DENISE VILLEGAS
DOC NO 2006080662, OPRTC

SOUTH PORTION OF LOTS 11, 12 AND 13, BLOCK 3
AND A PORTION OF A 20' VACATED ALLEY
SOUTH HEIGHTS
VOL 1, PG 121, PRTC
C J VILLEGAS, ANTHONY TOM VILLEGAS AND LAWRENCE VILLEGAS
DOC NO 1999051760, OPRTC
DENISE VILLEGAS
DOC NO 2006051430 OPRTC

CENTRAL PORTION OF LOTS 11, 12 AND 13, BLOCK 3
SOUTH HEIGHTS
VOL 1, PG 121, PRTC
C J VILLEGAS AND WIFE, GUDERIA VILLEGAS
VOL 5482, PG 1845, DRTC

NORTH 50 FEET OF LOTS 11, 12 AND 13, BLOCK 3
SOUTH HEIGHTS
VOL 1, PG 121, PRTC
C J VILLEGAS AND WIFE, GUDERIA VILLEGAS
VOL 4906, PG 1198, DRTC

LOT 13, BLOCK 2
VOL 1, PG 121, PRTC

LOT 14, BLOCK 2

LOT 13, BLOCK 3
S27.43°15'W 0.51'
LOT 8, BLOCK 3

LOT 9, BLOCK 3

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LOT 183, BLOCK 3

LOT

DATE 2-06-07
DRAWN BY ALM
MAI JOB NO 290-13-05
REFERENCE FB 469 & 472

J:\JOBS\BINKLEY-BARFIELD\S 2ND\2901305\DWG\5118 56WE.dwg

MACIAS & ASSOCIATES, INC.

LAND SURVEYORS



★ ★ ★ ★ ★

5410 SOUTH 1ST STREET
AUSTIN, TEXAS 78745 PH (512)442-7875

FAX (512)442-7876 EMAIL MACIASURVEY@EARTHLINK.NET

SOUTH 1ST STREET
(60' R.O.W.)

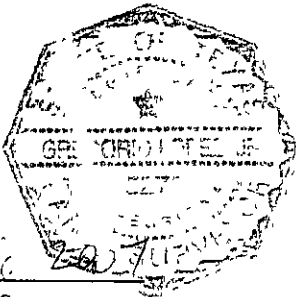
Exhibit "A"
Page 3 of 4

SKETCH : ACCOMPANY LEGAL DESCRIPTION

LEGEND	
●	1/2" IRON ROD FOUND
⊙	1/2" IRON PIPE FOUND (UNLESS OTHERWISE NOTED)
▲	60D NAIL SET
△	CALCULATED POINT
P.O.B.	POINT OF BEGINNING
P.O.C	POINT OF COMMENCEMENT
R.O.W	RIGHT-OF-WAY
— PL —	PROPERTY LINE
P.U.E	PUBLIC UTILITY EASEMENT
VOL, PG	VOLUME, PAGE
D.R.T.C.	DEED RECORDS OF TRAVIS COUNTY
P.R.T.C	PLAT RECORDS OF TRAVIS COUNTY
R.P.R.T.C	REAL PROPERTY RECORDS OF TRAVIS COUNTY
O.P.R.T.C.	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY
()	RECORD INFORMATION

BEARING BASIS:

THE COORDINATES AND BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM (CENTRAL ZONE, NAD83(CORS), COMBINED SCALE FACTOR = 1.00010) THE COORDINATES WERE ESTABLISHED BY GPS STATIC OBSERVATION FROM REFERENCE STATION "AUSTIN RRP2" HAVING COORDINATE VALUES OF N=10,086,515.89, E=3,109,682.48 AND "H-20-3001" (CB11) HAVING COORDINATE VALUES OF N=10,061,108.04, E=3,109,304.63 ALL DISTANCES SHOWN ARE SURFACE DISTANCES



Gregorio Lopez, Jr.
 Gregorio Lopez, Jr.
 Registered Professional Land Surveyor
 No. 5272 - State of Texas

Do-

Exhibit "A"
 Page 4 of 4

DATE 2-06-07
 DRAWN BY ALM
 MAJ JOB NO 290-13-05
 REFERENCE FB 469 & 472

J:\JOBS\BINKLEY-BARFIELD\S 2ND\2901305\DWG\5118 56WE.dwg

MACIAS & ASSOCIATES, INC.
 LAND SURVEYORS
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 5410 SOUTH 1ST STREET
 AUSTIN, TEXAS 78745 PH (512)442-7875
 FAX (512)442-7876 EMAIL MACIASURVEY@EARTHLINK.NET



MACIAS & ASSOCIATES, L.P.
LAND SURVEYORS

JOSEPH M. CALDERONI
TO
CITY OF AUSTIN
(TEMPORARY WORKING
SPACE EASEMENT)
June 14, 2007

DESCRIPTION FOR PARCEL 5118.56TWSE

DESCRIPTION OF A 0.059 ACRE (2,590 SQUARE FOOT) TRACT OF LAND OUT OF LOT 8, BLOCK 3, SOUTH HEIGHTS, A SUBDIVISION RECORDED IN VOLUME 1, PAGE 121, PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID LOT 8 BEING DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN EXECUTED APRIL 15, 2005 TO JOSEPH M CALDERONI, RECORDED IN DOCUMENT NO. 2005066683, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.059 ACRE (2,590 SQUARE FOOT) TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a calculated point on the south right-of-way line of West Gibson Street, a 60-foot wide right-of-way, at the northeast corner of said Lot 8 and at the northwest corner of Lot 9, Block 3 of said South Heights, from said point, a 1/2" iron pipe found on the north right-of-way line of West Gibson Street, at a common corner of Lots 13 and 14, Block 2 of said South Heights, bears S 62°20'40" E, 46.76 feet, and N 27°39'20" E, 60.00 feet,

THENCE, N 62°20'40" W, with the south right-of-way line of West Gibson Street and the north line of said Lot 8, a distance of 17.50 feet to a 60d nail set having Texas State Plane Coordinate (Central Zone, NAD83 (CORS), U.S. Feet, Combined Scale Factor 1.00010) values of N=10,064,750.30, E=3,110.588.57, for the northeast corner and the **POINT OF BEGINNING** of this tract,

THENCE, S 28°11'30" W, across said Lot 8, a distance of 129.58 feet to a 60d nail set on the north line of a 20-foot wide alley and on the south line of said Lot 8, for the southeast corner of this tract,

THENCE, N 61°56'32" W, with the north line of said 20-foot wide alley and the south line of said Lot 8, a distance of 20.00 feet to a calculated point for the southwest corner of this tract,

THENCE, N 28°11'30" E, across said Lot 8, a distance of 129.44 feet to a calculated point on the south right-of-way line of West Gibson Street and on the north line of said Lot 8, for the northwest corner of this tract, from said point, a 3/8" iron pipe found on the north right-of-way line of West Gibson Street, at a common corner of Lots 9 and 10, Block 2 of said South Heights, bears N 62°20'40" W, 100.85 feet, and N 27°39'20" E, 60.00 feet,

0.059 Acre (2,590 Square Feet)
Temporary Working Space Easement

Exhibit "B"
Page 1 of 4

5118.56TWSE

THENCE, S 62°20'40" E, with the south right-of-way line of West Gibson Street and the north line of said Lot 8, a distance of 20.00 feet to the **POINT OF BEGINNING** and containing 0.059 acre (2,590 square feet) of land

BEARING BASIS NOTE

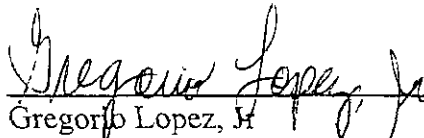
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THE STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS.**
COUNTY OF TRAVIS §

That I, Gregorio Lopez, Jr., a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this 14th day of June, 2007, A D

Macias & Associates, L.P.
5410 South 1st Street
Austin, Texas 78745
512-442-7875


Gregorio Lopez, Jr.
Registered Professional Land Surveyor
No. 5272 – State of Texas



REFERENCES

MAPSCO 2003 614H
Austin Grid No MH-21
TCAD PARCEL ID NO 01-0101-1025
MACIAS & ASSOCIATES, L.P., PROJECT NO 290-22-07

FIELD NOTES REVIEWED

By:  Date: 6-15-07

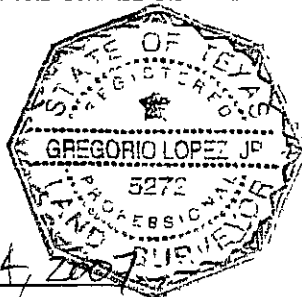
Austin Clean Water Program
Survey Coordinator

SKETCH : ACCOMPANY LEGAL DESCRIPTION

LEGEND	
●	1/2" IRON ROD FOUND
⊙	1/2" IRON PIPE FOUND (UNLESS OTHERWISE NOTED)
▲	60D NAIL SET
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P.O.B.	POINT OF BEGINNING
P.O.C	POINT OF COMMENCEMENT
ROW	RIGHT-OF-WAY
— PL —	PROPERTY LINE
P.U.E.	PUBLIC UTILITY EASEMENT
VOL., PG	VOLUME, PAGE
D.R.T.C	DEED RECORDS OF TRAVIS COUNTY
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R.P.R.T.C	REAL PROPERTY RECORDS OF TRAVIS COUNTY
O.P.R.T.C	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY
()	RECORD INFORMATION

BEARING BASIS

THE COORDINATES AND BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM (CENTRAL ZONE, NAD83(CORS), COMBINED SCALE FACTOR = 1.00010) THE COORDINATES WERE ESTABLISHED BY GPS STATIC OBSERVATION FROM REFERENCE STATION "AUSTIN RRP2" HAVING COORDINATE VALUES OF N=10,086,515.89, E=3,109,682.48 AND "H-20-3001" (CB11) HAVING COORDINATE VALUES OF N=10,061,108.04, E=3,109,304.63. ALL DISTANCES SHOWN ARE SURFACE DISTANCES



Gregorio Lopez, Jr.
 Gregorio Lopez, Jr.
 Registered Professional Land Surveyor
 No. 5272 - State of Texas

Exhibit "B"
 Page 4 of 4

DATE 6-14-07
 DRAWN BY J. PARKER
 MAJ JOB NO., 290-22-07
 REFERENCE FB 410 & 472

J:\JOBS\BINKLEY-BARFIELD\S 2ND\2902207\DWG\5118 56TWE.dwg

MACIAS & ASSOCIATES, INC.
 LAND SURVEYORS

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5410 SOUTH 1ST STREET
 AUSTIN, TEXAS 78745 PH (512)442-7875
 FAX (512)442-7876 EMAIL MACIASURVEY@EARTHLINK.NET